

REMARKS

Claims 15-20, 35, 40, and 54-59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,049,827 to Sugauchi et al. ("Sugauchi") in view of United States Patent No. 5,708,909 to Yamashita et al. ("Yamashita"). Applicant is traversing this rejection by relying on the foreign priority dates of July 15, 1997, and July 22, 1997, based on the following Japanese Patent Applications: HEI 9-207321, HEI 9-207322, HEI 9-207323, HEI 9-212581, and HEI 9-212582. In order to perfect the claim to foreign priority under each of these applications, Applicant is submitting herewith translations of the cover sheets of each certified foreign application, which shows that all of these foreign applications were filed in the name of the assignee of the present application, namely, TLV Co., Ltd. According to the MPEP, at Section 210.16, "The foreign application may have been filed by and in the name of the assignee or legal representative or agent of the inventor, as applicant. In such cases, if the certified copy of the foreign application corresponds with the one identified in the oath or declaration as required by 37 CFR 1.63 and no discrepancies appear, it may be assumed that the inventors are entitled to the claim for priority." The certified copies of the above-mentioned foreign priority applications were filed in the parent application of the present application, and they were identified in the declaration filed in the parent, a copy of which was submitted in the present application. The translations of the cover sheets of these priority applications show that these foreign applications were filed in the name of the assignee of the present invention. Therefore, based on the quoted portion of the MPEP, the Applicant is entitled to rely on the July 15 and July 22, 1997, foreign priority dates to overcome Sugauchi, which has an earliest effective filing date of only February 20, 1998.

Since the Examiner may not rely on Sugauchi, either alone or in combination with another reference, to reject any claim in the present application, withdrawal of the above-referenced rejection is respectfully requested.

All the issues raised by the Examiner and pertaining to the currently pending claims having been addressed, Applicant respectfully submits that this application is in condition for allowance.

Respectfully submitted,

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